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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,833	04/13/2007	Maxime Buffat	8845/97585	8544
24628 7590 06/24/2009 Husch Blackwell Sanders, LLP Husch Blackwell Sanders LLP Welsh & Katz 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606				
EXAMINER				
RAHMANI, NILOOFAR				
ART UNIT		PAPER NUMBER		
1625				
MAIL DATE		DELIVERY MODE		
06/24/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/581,833

**Applicant(s)**

BUFFAT ET AL.

**Examiner**

NILOOFAR RAHMANI

**Art Unit**

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on remark on 03/09/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 2-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

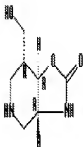
- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. Claims 1-12, 14-16 are pending and claim 13 is cancelled in the instant application.
2. The rejection of claims 13-15 under 101 is withdrawn in view of applicants amendment on date 03/09/2009.
3. The rejection of claims 14-16 under 112, first paragraph is maintained for reason of record. Applicants argue that amendment claim 16 to the method of treatment of disorders and, as such, are considered enabled. It is the examiner's position that the instant specification, while being enabling for agonist acetylcholine or muscarinic receptor, does not reasonably provide enablement for treatment of disorders.
4. The rejection of claims 1 and 12 under 103(a) over Jensen et al., Chemistry-A European Journal (2002, 8(5), 1218-1226 is maintained for reason of record. Applicants argue that the Jensen reference relates to the effect on basicity of substituent positioning and does not disclose any pharmaceutical activity of its compounds. Thus, the fact that applicant has found pharmaceutical activity in its claimed compounds is an unexpected effect over the disclosure of Jensen and thus, should be patentable there over. It is the examiner's position that Jensen disclosed analogous compounds

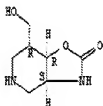
RN 443649-05-6

CN Oxazolo[4,5-c]pyridin-2(3H)-one, hexahydro-7-(hydroxymethyl)-,  
(3aR,7R,7aR)-rel-



RN 443649-06-7

CN Oxazolo[4,5-c]pyridin-2(3H)-one, hexahydro-7-(hydroxymethyl)-,  
(3aR,7S,7aS)-rel-



where in R<sup>5</sup> is -CH<sub>2</sub>-O-R<sub>7</sub>, where R<sub>7</sub> is H.

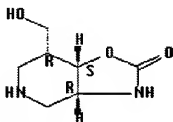
The compound is the compound. The claim would have been obvious because a person of ordinary skill in the art would have been motivated to combine the prior art to achieve the claimed invention and that there would have been a reasonable expectation of success.

5. The rejection of claims 1 and 12 under 103(a) over Lohse et al., Perkin 1 (2000), (5), 659-665 is maintained for reason of record. Applicants argue that the Jensen reference relates to the effect on basicity of substituent positioning and does not disclose any pharmaceutical activity of its compounds. Thus, the fact

that applicant has found pharmaceutical activity in its claimed compounds is an unexpected effect over the disclosure of Jensen and thus, should be patentable there over. It is the examiner's position that Jensen disclosed analogous compounds

RN 268729-90-4

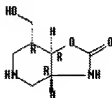
CN Oxazolo[4,5-c]pyridin-2(3H)-one, hexahydro-7-(hydroxymethyl)-



, and

RN 268729-92-6

CN Oxazolo[4,5-c]pyridin-2(3H)-one, hexahydro-7-(hydroxymethyl)-



, where in R<sup>5</sup> is -CH<sub>2</sub>-O-R<sub>7</sub>, where R<sub>7</sub> is H.

The compound is the compound. The claim would have been obvious because a person of ordinary skill in the art would have been motivated to combine the prior art to achieve the claimed invention and that there would have been a reasonable expectation of success.

**6. *Claim Objections***

Claims 2-11 are objected to as being dependent upon a rejected base claim 1, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**7.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niloofar Rahmani whose telephone number is 571-272-4329. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres, can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/NILOOFAR RAHMANI/  
06/22/2009

**/D. Margaret Seaman/**

**Primary Examiner, Art Unit 1625**